

IN RE: PETITION FOR SPECIAL HEARING
W/S Falls Road, 50' S of the
c/l of Lake Avenue
(6072 Falls Road)
3rd Election District
2nd Councilmanic District

Nancy L. Wilkey and
Betty J. Ruano - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-83-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6072 Falls Road, located in the vicinity of Lake Falls near the Baltimore County/Baltimore City Line. The Petition was filed by the owners of the property, Nancy L. Wilkey and Betty J. Ruano. The Petitioners seek approval of the use of an area to the rear of the subject property and at the end of an 8-foot driveway for employee parking and the use of said driveway to enter and exit said parking area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Nancy Wilkey and Betty Ruano, property owners, and their attorney, Jeffrey H. Scherr, Esquire. Appearing as Protestants in the matter were Victoria Slagle Wilt and Shirley Gail Butler, residents of the surrounding locale.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.147 acres, more or less, predominantly zoned B.L., and is improved with a two-story frame building presently used as an antique store. This property was the subject of a prior hearing in Case No. 92-322-A in which the Petitioners were granted a parking variance to allow 0 parking spaces in lieu of the minimum required 5 spaces. Testimony

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Date

By

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at that hearing demonstrated that the Petitioners were unable to provide on-site parking for any of their customers. The Petitioners filed the instant Petition in response to a zoning violation notice they received from the Zoning Administration and Development Management (ZADM) office as to the use of property to the rear of the store. Testimony revealed that over the course of time, the Petitioners have created a small driveway, approximately 8 feet in width, to the south of the existing building. This driveway extends from Falls Road to a small gravel area to the rear of this site. Testimony indicated that this gravel area is large enough to accommodate parking for two vehicles. Furthermore, the Petitioners have extended the driveway to an alleyway located behind the adjacent community so that deliveries can be made to the antique store. The Petitioners are requesting permission to continue using this gravel area for employee parking, only, and to permit the use of the driveway leading to and from this parking area for access to and from this site for delivery purposes.

Appearing and testifying in opposition to this request were Victoria Wilt and Shirley Butler, residents of the surrounding community. These residents filed the initial complaint with ZADM as a result of the driveway being extended back to the alleyway which is located behind their homes. These neighbors fear the use of this alleyway by customers of the antique store. They do not want to see this alley opened to serve any commercial purpose. At the present time, this alley serves only those residences along Fairfield Avenue.

At the hearing, all parties discussed this matter and the Petitioners agreed that the driveway which runs from their antique store to the alley shall be restricted to deliveries of antiques, only. This drive-

RECEIVED

ORDER RECEIVED FOR FILING
Date 1/20/94
By [Signature]

way shall not be open to the public as a means of access to and from the antique store. The Petitioners have agreed to place a chain across this driveway to prevent its use by the general public. Furthermore the Petitioners agreed to move the pole that contains the chain onto their property, so as not to impede their neighbors' use of the alley to the rear of their homes.

Further testimony revealed that when the Petitioners installed crusher run or gravel on their parking area, the Contractor deposited a large amount of stone in the common area located behind the Petitioner's property adjacent to the alley. The Petitioners agreed that they would have the stone removed and the area replanted and restored to its natural state to the extent possible.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of October, 1994 that the Petition for Special Hearing seeking approval of the use of an area to the rear of the subject property for employee parking, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING


Date

By

RECORDED

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the use of the existing 8-foot wide driveway which leads from Falls Road to the alley to the rear of this site as access to the parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The gravel parking area to the rear of the subject property shall be used for employee parking only. This area shall not be accessible to members of the general public.
- 3) The driveway which extends from the rear of the subject property to the alley that runs behind the homes along Fairfield Avenue shall only be used by the Petitioners for the pick-up and delivery of antiques. This driveway and alleyway shall not be used by any customers or members of the general public who visit the site. Furthermore, the Petitioners shall be required to maintain a chain across this driveway to prevent access to and from the site by members of the general public. This chain shall be installed within forty-five (45) days of the date of this Order.
- 4) The Petitioners shall remove the stone which was placed in the common area off the Petitioners property to the extent possible. This area shall be replanted with grass seed and restored to its natural state to the extent possible within forty-five (45) days of the date of this Order.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/25/64
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 20, 1994

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
W/S Falls Road, 50' S of the c/l of Lake Avenue
(6072 Falls Road)
3rd Election District - 2nd Councilmanic District
Nancy L. Wilkey and Betty J. Ruano - Petitioners *
Case No. 95-83-SPH

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over the typed name.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Nancy L. Wilkey
5701 Cross Country Blvd., Baltimore, Md. 21209

Ms. Betty J. Ruano, 10 Lake Manor Ct., Baltimore, Md. 21210

Ms. Victoria S. Wilt, 1202 Fairfield Ave., Baltimore, Md. 21209

Ms. Shirley G. Butler, 1206 Fairfield Ave., Baltimore, Md. 21209

Mr. Steve Gischel, 1210 Fairfield Ave., Baltimore, Md. 21209

People's Counsel; File

MICROFILMED



Petition for Special Hearing

75-83-SPH

to the Zoning Commissioner of Baltimore County

for the property located at

6072 Falls Road

which is presently zoned B.L. - C.N.S.
and B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve use of an area at the back of the property and at the end of an 8' driveway area as shown for purposes of employee parking. Also, use of said driveway for entrance to and exit from said parking areas.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Jeffrey H. Scherr

(Type or Print Name)

Signature

Jeffrey H. Scherr / 1/4
Kramon & Graham, P.A.
One South Street (410)752-6030
Suite 2600 Phone No.
Baltimore, Maryland 21202
City State Zipcode

Legal Owner(s)

Nancy L. Wilkey

(Type or Print Name)

Signature

Betty J. Ruano

(Type or Print Name)

Signature

5701 Cross Country Blvd. 542-0649

Address

Baltimore, Maryland

Phone No.

21209

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name Ian Gallacher - Kramon & Graham
One South Street (410)752-6030
Address Baltimore, Maryland Phone No. 21202

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1/2 hr.

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDK

DATE 8/30/84

ORDER RECEIVED FOR FILING

Date

By



MICROFILMED

December 17, 1991

95-83-SPH

ZONING DESCRIPTION

6072 FALLS ROAD

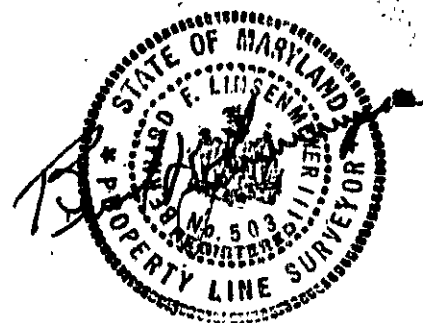
Beginning at a point on the west side of Falls Road (44' paving) at the distance of 50 feet south and opposite to the centerline of Lake Avenue; thence, running the following courses and distances:

1. South $05^{\circ}00'00''$ East 35.82 feet;
2. South $87^{\circ}44'11''$ West 154.27 feet;
3. North $05^{\circ}00'00''$ West 37.00 feet;
4. North $88^{\circ}10'00''$ East 154.33 feet to the point of beginning.

Recorded in the Land Records of Baltimore County, Maryland in Deed Liber 8687 folio 391.

Containing 5,618 square feet or 0.129 acres of land, more or less.

Also known as 6072 Falls Road and located in the Third Election District.



#82

RECORDED

95-83-SPH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd

Date of Posting 9/16/94

Posted for: Special Hearing

Petitioner: Nancy Wilkey & Betty Ruano

Location of property: 6072 Falls Rd, W/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Healey
Signature

Date of return: 9/23/94

Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-63-SPH (Item 82)

6072 Falls Road

W/S Falls Road, 50'

S of c/Lake Avenue

3rd Election District

2nd Councilmanic

Petitioner(s):

Nancy L. Wilkey and

Betty J. Ruano

HEARING: WEDNESDAY,

OCTOBER 8, 1994 at 9:00

a.m. in Rm. 118, Old

Courthouse.

Special Hearing: to approve the use of an area at the back of the property and at the end of an 8-foot driveway area for purposes of employee parking; also, use of said driveway for entrance to and exit from said parking areas.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/209 September 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN,

A. H. Henshaw
TOWSON, MD. - TOWSON

~~Signature~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-83-SPH

Account: R-001-6150

Number

Date 8/30/94

Taken In By: ZNDK
Item Number: 82

Wilkey and Ruano - 6672 Falls Road

040 - Comm. Spec. Hearing - \$250.00

080 - 1 sign posting - \$135.00

Total - \$285.00

RECORDED

Please Make Checks Payable To: Baltimore County

Cashier Validation

DATE: 8/30/94

\$285.00

BY: POL: 366MOR-30 94

02/03/95

\$285.00

BY: POL: 366MOR-30 94



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 82

Petitioner: Nancy L. Wilkey and Betty J. Ruano

Location: 6072 Falls Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jeffrey H. Scher at Kramon + Graham, P.A.

ADDRESS: One South Street, Suite 2600

Balto. MD. 21202

PHONE NUMBER: (410) 752-6030

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 12, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-83-SPH (Item 82)

6072 Falls Road

W/S Falls Road, 50' S of c/l Lake Avenue

3rd Election District - 2nd Councilmanic

Petitioner(s): Nancy L. Wilkey and Betty J. Ruano

HEARING: WEDNESDAY, OCTOBER 5, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the use of an area at the back of the property and at the end of an 8-foot driveway area for purposes of employee parking; also, use of said driveway for entrance to and exit from said parking areas.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Nancy L. Wilkey/Betty J. Ruano
Jeffrey H. Scherr, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

SEP. 21 1994

(410) 887-3353

Mr, Jeffrey H. Scherr
One South St., Suite 2600
Baltimore, Maryland 21202

RE: Item No. 82, Case No. 95-83-A
Petitioner: Wilkey/Ruano

Dear Mr. Scherr:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 30, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jaw

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82, 83, 84, 85 AND 86.

RECEIVED
SEP 9 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 9/15/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept 12, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. 94-436 SP11A

82

86

LS:sp

LETTY2/DEPRM/TXTSBP

RECEIVED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

9-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +82 (MTK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

RECEIVED
SEP 12 1994
ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: September 14, 1994

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item No. 82.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W Long

Division Chief:

Carol L. Kerns

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: September 19, 1994
Zoning Administration and Development Management

FROM: *Pub* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 19, 1994
Item No. 82

The Developers Engineering Section has reviewed the subject zoning item. This site fronts on Md. State Route 25, Falls Road; therefore, all improvements, entrances, drainage requirements and construction affecting the State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Also, buffering of the adjacent residential property must be assured.

RWB:sw

W. G. Gorman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 26, 1994

Mr. Jeffrey H. Scherr
One South Street., Suite 2600
Baltimore, Maryland 21202

Item 82

RE: Case No. 95-83XA

Petitioner: Wilkey/Ruano

Dear Petitioners:

Enclosed are copies of comments received from DES September 19, 1994
for the above-referenced case.

If there are any questions, please do not hesitate to call me at
887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Watson".

Joyce Watson

Enclosure

MICROFILMED



| | | |
|------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| 6072 Falls Road, W/S Falls Road, | * | ZONING COMMISSIONER |
| 50' S of c/l Lake Avenue, 3rd | * | OF BALTIMORE COUNTY |
| Election Dist., 2nd Councilmanic | * | |
| Nancy L. Wilkey and Betty J. Ruano | * | CASE NO. 95-83-SPH |
| Petitioners | * | |

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, Kramon & Graham, P.A., 1 South Street, Suite 2600, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECORDED

4961-94

LAW OFFICES

KRAMON & GRAHAM, P. A.

COMMERCE PLACE

ONE SOUTH STREET, SUITE 2600

BALTIMORE, MARYLAND 21202-3201

(410) 762-6030

FACSIMILE

(410) 539-1269

WRITER'S DIRECT DIAL

BEL AIR OFFICE.

THE EMMORTON PROFESSIONAL BUILDING

2107 LAUREL BUSH ROAD

BEL AIR, MARYLAND 21015

(410) 515-0040

(410) 569-0299

FACSIMILE

(410) 569-0298

ANDREW JAY GRAHAM**
JAMES M. KRAMON**
LEE H. OGBURN
JEFFREY H. SCHERR
NANCY E. GREGOR*
JAMES P. ULWICK*
PHILIP M. ANDREWS
GERTRUDE C. BARTEL*
MARILYN HOPE FISHER**
MAX HIGGINS LAUTEN*
KATHLEEN A. BIRREANE
KEVIN F. ARTHUR
ARON U. RASKAS*
PERRY F. SEKUS
GEOFFREY H. GENTH*
REGINA M. DUFRESNE*
IAN GALLACHER

* ALSO ADMITTED IN NY
* ALSO ADMITTED IN DC
* ALSO ADMITTED IN NJ
* ALSO ADMITTED IN CA

10/11/94

Refunded: 10/14/94
LJB

October 5, 1994

Ms. Stella Lowery
Baltimore County Zoning Administration
& Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

95-83

RE: Wilkey and Ruano
6072 Falls Road

Dear Ms. Lowery:

Thank you for speaking with me today. Enclosed please find a copy of the receipt for the filing fee and sign posting fee in the above-referenced matter. I would appreciate it if you would make your check payable to Kramon & Graham, P.A., and forward it to the attention of Jeffrey H. Scherr.

Thank you for your consideration to this matter.

Very truly yours,

Ian Gallacher

Ian Gallacher

IG:ctb
Enclosure

RECEIVED

OCT 7 1994

ZADM

95-83-SPH
Wilkey/Ruano

ANDREW JAY GRAHAM**
JAMES M. KRAMON**
LEE H. OGBURN
JEFFREY H. SCHERR
NANCY E. GREGOR*
JAMES P. ULWICK*
PHILIP M. ANDREWS
GERTRUDE C. BARTEL*
MARILYN HOPE FISHER**
MAX HIGGINS LAUTEN*
KATHLEEN A. BIRREANE
KEVIN F. ARTHUR
ARON U. RASKAS*
PERRY F. SEKUS
GEOFFREY H. GENTH*
REGINA M. DUFRESNE*
IAN GALLACHER

*ALSO ADMITTED IN NY
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NJ
*ALSO ADMITTED IN CA

LAW OFFICES
KRAMON & GRAHAM, P. A.
COMMERCE PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
FACSIMILE
(410) 539-1269

WRITER'S DIRECT DIAL

(410) 347-7424

BEL AIR OFFICE:
THE EMMORTON PROFESSIONAL BUILDING
2107 LAUREL BUSH ROAD
BEL AIR, MARYLAND 21015
(410) 515-0040
(410) 569-0299
FACSIMILE
(410) 569-0298

October 10, 1994

Mr. Timothy Fitts
Office of Zoning Administration
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Citation 94-231A and 94-231B
6072 Falls Road, Baltimore, Maryland 21209-2217

Dear Mr. Fitts:

I am writing in regard to the above-referenced citations. These citations were the subject of a hearing before the Deputy Zoning Commissioner of Baltimore County on October 5, 1994, Timothy M. Kotroco, Esquire. During the course of this hearing, it was established that Owner/employees may park in the back of the above-referenced property and may utilize the driveway and parking areas for deliveries. The back area will not be utilized for customer parking. To answer the concerns of neighbors, the parking area will be chained off from the public alley so that the back alley in combination with the driveway does not become a thoroughfare. This use does not violate the April 13, 1992 Order of the Baltimore County Zoning Commissioner.

The Deputy Zoning Commissioner will file a written Order shortly. In the meantime, however, I would ask that you immediately withdraw the above-referenced citations and drop all proceedings against Nancy L. Wilkey or Betty J. Ruano. Please confirm, as soon as possible, per my previous discussions with Mr. Jablon, that the hearing on the citations will be cancelled.

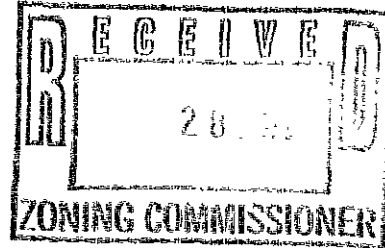
WICKED

sent
9/5/94

September 26, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
400 Washington Avenue
Towson, MD 21204

Case Number: 95-83-SPH (Item 82)
Sun Porch Antiques
6072 Falls Road
Petitioner(s): Nancy L. Wilkey
and Betty J. Ruano



Hearing: October 5, 1994

Dear Mr. Schmidt:

The following residents are opposed to the zoning variance in our neighborhood in reference to the above listed case.

In addition to our concerns of the additional commercial traffic on our residential street we are very worried about the traffic flow in an area where children play and ride bikes in the alley way which leads up to the proposed eight foot driveway and parking area.

Thank you for your consideration in this matter.

| NAME | ADDRESS |
|---------------------|--------------------|
| Gail Butler | 1206 Fairfield Ave |
| Don Furlas | 1207 Fairfield Ave |
| Nicholas J. J. J. | 1204 Fairfield Ave |
| Robert W. J. | 1207 Fairfield Ave |
| Thomas Minton | 1200 Fairfield Ave |
| Frank Keszeg | 1201 Fairfield Ave |
| Charles J. J. | 1203 Fairfield Ave |
| Margie M. Sen | 1205 Fairfield Ave |
| Marion M. Donaldson | 1211 Fairfield Rd. |
| Chester M. J. | 1213 Fairfield Ave |

MICROFILMED

Charles Seely 1217 Fairfield Ave

Virginia Richards 1216 Fairfield Ave

Mamie Unsoeld 1214 Fairfield Ave.

Paul H Gischel 1210 Fairfield Ave

Helen S Gischel 1210 Fairfield Ave

Mari L Owens 1209 Fairfield Ave

Roy Butler 1206 Fairfield Ave

95-83-5PH
Ruano

Steve Gischel
1210 Fairfield Ave
21209

Send a copy



WELCOME

ADDRESS

NAME
Victoria Slagter Wilt
Shirley Lail Butler

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

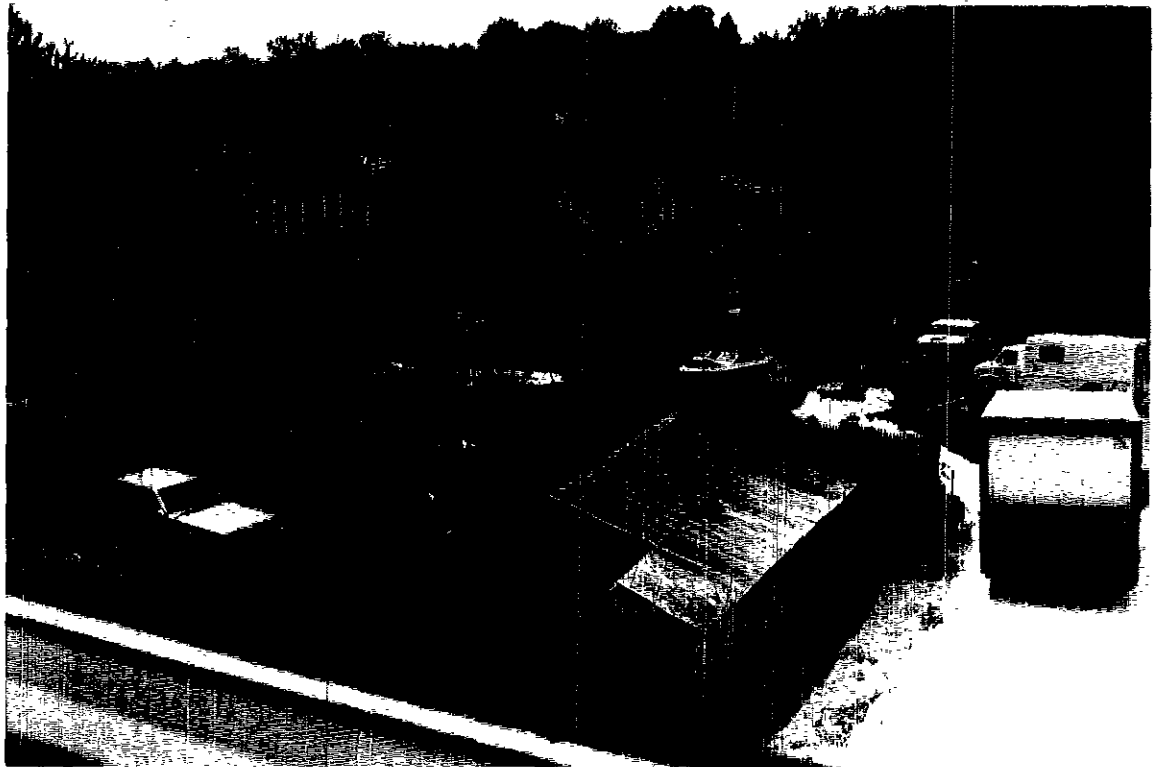
Beth J. RUANO
Nora Willey
JEFFREY H. SUTHER

10 Lake Manor Ct, Balt. 21210
5701 Cross Country Baltimore 21209
2600 Commerce Place 21202



WILLIAM J. HARRIS

photograph
in Case
95-83-SPH



Mr. Timothy Fitts
October 10, 1994
Page Two

I look forward to hearing from you at your earliest convenience.

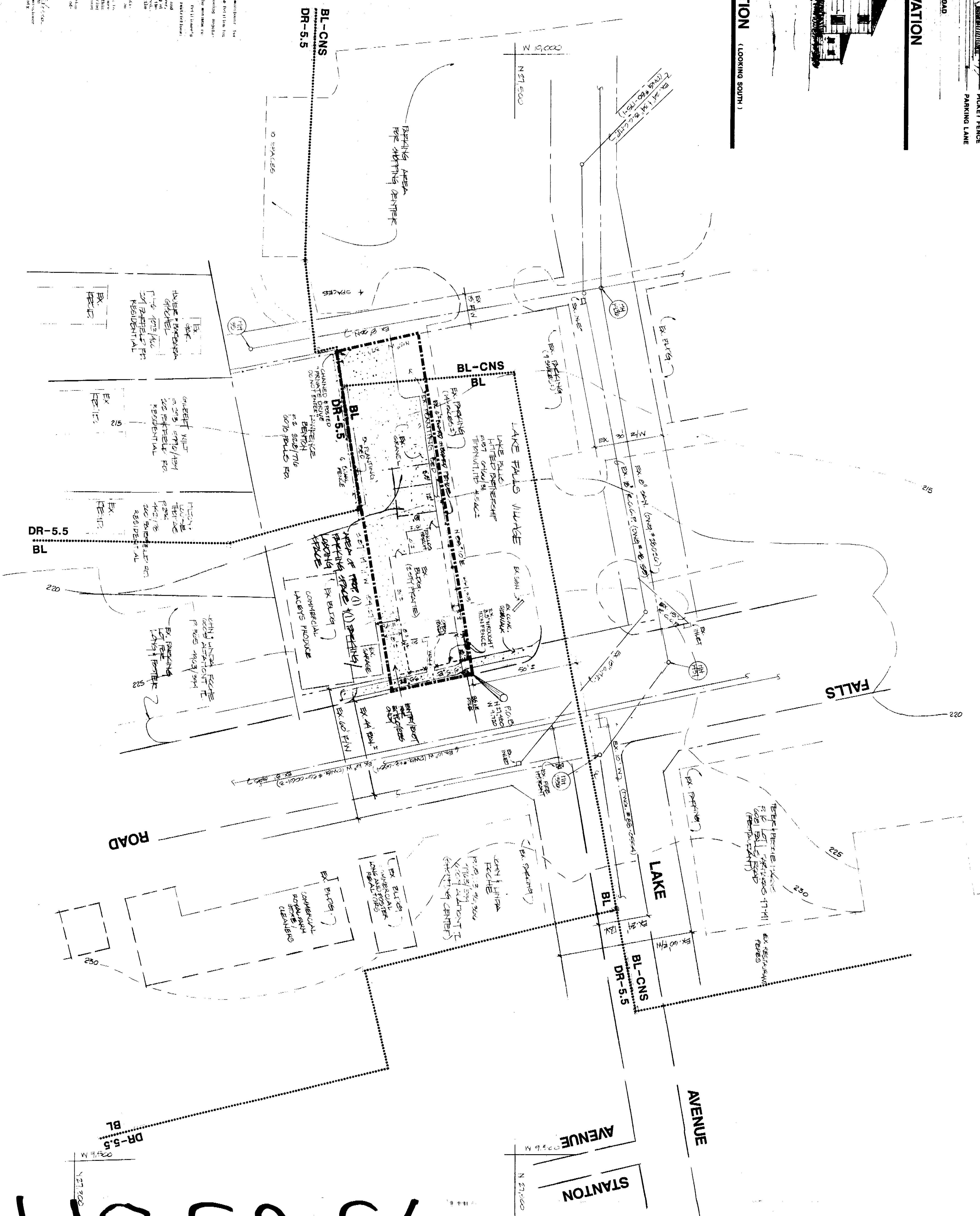
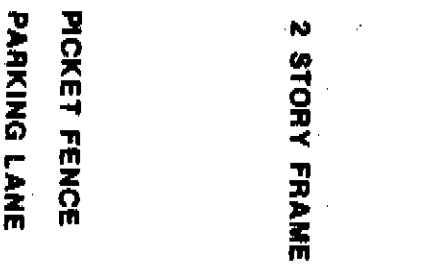
Sincerely,



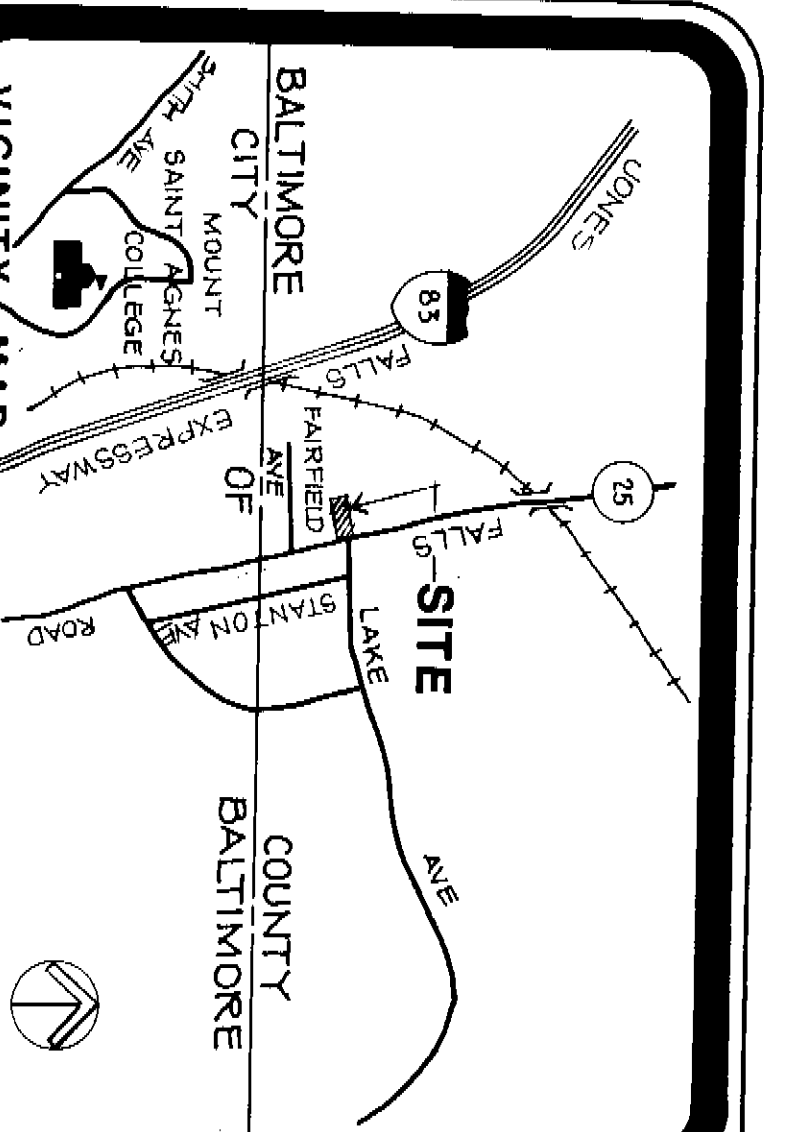
Jeffrey H. Scherr

JHS:ctb/kts

cc: Betty J. Ruano, Ph.D.
Nancy L. Wilkey, Ph.D.
Timothy M. Kotroco, Esquire
Arnold Jablon, Esquire



95-83-S PH



1

- # GENERAL NOTES
-
1. DEVELOPMENT 6072 Falls Road
NAME:

PROPERTY REFERENCES
DEED: 8687/391
TAX ACCOUNT NUMBER: 0916000076
TAX MAP: 79, GRID: 9, PARCEL: 120

Baltimore, Maryland 21207
(410) 944-3647
ATTN: Mr. Stacey McArthur, R.L.A.
Election District: 3

Gross acreage = 0.147 AC
 Net acreage = 0.125 AC
 Existing zoning: BI-CNS 0 0.0

Density Calculations:
 Allowable: 3.00 PAR = 19.209
 (19.209 - 6403 = 3.303)
 Proposed: 0.29 PAR = 19
 (19.00 - 6403 = 3.303)

Parking
Required: 2.5/1000 S.F. Bldg
1900 S.F. ± (including porch)
1900 S.F. ÷ 1000 = 1.9 x 2.5 =

Public water and sewer are provided
The existing use is antique store
The proposed use is antique store

all roads are public.
Property from Baltimore County 200 (see
7-b).

IMITATIONS

| Basements: | Mo- |
|------------|-----|
| Moderate: | Mo- |
| Slope | Mo- |

EXHIBIT 1

[illegible]

| | | | |
|--|--|--|--|
| | | | |
| | | | |

DEVELOPER
ETTY J. RUANO &
NANCY L. WILKEY
701 CROSS COUNTRY
BOULEVARD
BALTIMORE, MD 21209

PLAN

RE COUNTY, MD.

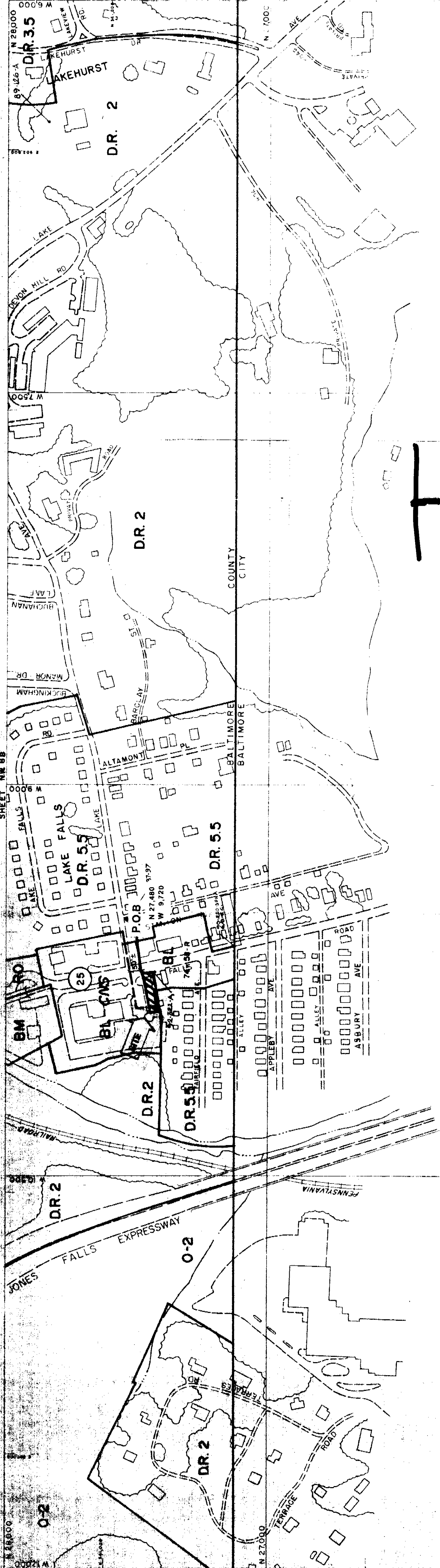
PLAT TO ACCOMPANY SPECIAL HEARING
6072 FALLS ROAD
SECTION DISTRICT No. 3 PUBLIC SERVICES CRG. No. _____ PLANNING No. _____

DST & Δ

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS LAND PLANNERS

7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-ENGR (301) 944-3647

PROJECT No. 1277

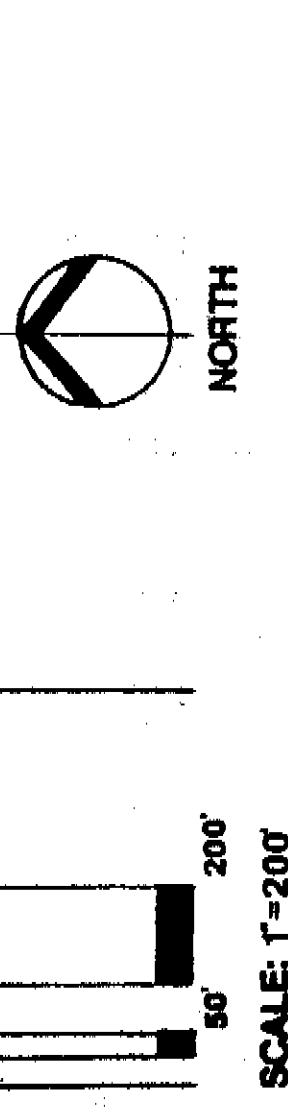


95-83-SPH

200 SCALE 1992 ZONING
MAP TO ACCOMPANY SPECIAL HEARING
6072 FALLS ROAD
MAP NW-78
JULY, 1994

D.S. THALER & ASSOC., INC.
CIVIL ENGINEER • LAND PLANNER • SURVEYOR • LANDSCAPE ARCHITECT
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244
(410) 844-5800, (410) 844-3647

#82



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Ord. No. 141-92

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Ord. No. 141-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
THESE REVISIONS WERE MADE BY THE FOLLOWING METHODS
BY RICHARD-HORN, INC. BALTIMORE, MD 21210

IN RE: PETITION FOR SPECIAL HEARING
W/S Falls Road, 50' S of the
c/l of Lake Avenue
(6072 Falls Road)
3rd Election District
2nd Councilmanic District
Nancy L. Wilkey and
Betty J. Ruano - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-83-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6072 Falls Road, located in the vicinity of Lake Falls near the Baltimore County/Baltimore City Line. The Petition was filed by the owners of the property, Nancy L. Wilkey and Betty J. Ruano. The Petitioners seek approval of the use of an area to the rear of the subject property and at the end of an 8-foot driveway for employee parking and the use of said driveway to enter and exit said parking area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Nancy Wilkey and Betty Ruano, property owners, and their attorney, Jeffrey H. Scherr, Esquire. Appearing as Protestants in the matter were Victoria Slagle Wilt and Shirley Gail Butler, residents of the surrounding locale.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.147 acres, more or less, predominantly zoned B.M., and is improved with a two-story frame building presently used as an antique store. This property was the subject of a prior hearing in Case No. 92-322-A in which the Petitioners were granted a parking variance to allow 0 parking spaces in lieu of the minimum required 5 spaces. Testimony

at that hearing demonstrated that the Petitioners were unable to provide on-site parking for any of their customers. The Petitioners filed the instant Petition in response to a zoning violation notice they received from the Zoning Administration and Development Management (ZADM) office as to the use of property to the rear of the store. Testimony revealed that over the course of time, the Petitioners have created a small driveway, approximately 8 feet in width, to the south of the existing building. This driveway extends from Falls Road to a small gravel area to the rear of this site. Testimony indicated that this gravel area is large enough to accommodate parking for two vehicles. Furthermore, the Petitioners have extended the driveway to an alleyway located behind the adjacent community so that deliveries can be made to the antique store. The Petitioners are requesting permission to continue using this gravel area for employee parking, only, and to permit the use of the driveway leading to and from this parking area for access to and from this site for delivery purposes.

Appearing and testifying in opposition to this request were Victoria Wilt and Shirley Butler, residents of the surrounding community. These residents filed the initial complaint with ZADM as a result of the driveway being extended back to the alleyway which is located behind their homes. These neighbors fear the use of this alleyway by customers of the antique store. They do not want to see this alley opened to serve any commercial purpose. At the present time, this alley serves only those residences along Fairfield Avenue.

At the hearing, all parties discussed this matter and the Petitioners agreed that the driveway which runs from their antique store to the alley shall be restricted to deliveries of antiques, only. This drive-

way shall not be open to the public as a means of access to and from the antique store. The Petitioners have agreed to place a chain across this driveway to prevent its use by the general public. Furthermore the Petitioners agreed to move the pole that contains the chain onto their property, so as not to impede their neighbors' use of the alley to the rear of their homes.

Further testimony revealed that when the Petitioners installed crusher run or gravel on their parking area, the Contractor deposited a large amount of stone in the common area located behind the Petitioner's property adjacent to the alley. The Petitioners agreed that they would have the stone removed and the area replanted and restored to its natural state to the extent possible.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of October, 1994 that the Petition for Special Hearing seeking approval of the use of an area to the rear of the subject property for employee parking, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of the use of the existing 8-foot wide driveway which leads from Falls Road to the alley to the rear of this site as access to the parking area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The gravel parking area to the rear of the subject property shall be used for employee parking only. This area shall not be accessible to members of the general public.
- 3) The driveway which extends from the rear of the subject property to the alley that runs behind the homes along Fairfield Avenue shall only be used by the Petitioners for the pick-up and delivery of antiques. This driveway and alleyway shall not be used by any customers or members of the general public who visit the site. Furthermore, the Petitioners shall be required to maintain a chain across this driveway to prevent access to and from the site by members of the general public. This chain shall be installed within forty-five (45) days of the date of this Order.
- 4) The Petitioners shall remove the stone which was placed in the common area off the Petitioners property to the extent possible. This area shall be replanted with grass seed and restored to its natural state to the extent possible within forty-five (45) days of the date of this Order.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 20, 1994

(410) 887-4386

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
W/S Falls Road, 50' S of the c/l of Lake Avenue
(6072 Falls Road)
3rd Election District - 2nd Councilmanic District
Nancy L. Wilkey and Betty J. Ruano - Petitioners
Case No. 95-83-SPH

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Nancy L. Wilkey
5701 Cross Country Blvd., Baltimore, Md. 21209

Ms. Betty J. Ruano, 10 Lake Manor Ct., Baltimore, Md. 21210

Ms. Victoria S. Wilt, 1202 Fairfield Ave., Baltimore, Md. 21209

Ms. Shirley G. Butler, 1206 Fairfield Ave., Baltimore, Md. 21209

Mr. Steve Gischel, 1210 Fairfield Ave., Baltimore, Md. 21209

People's Counsel; File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6072 Falls Road
which is presently zoned B.L., C.N.S.
and B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve use of an area at the back of the property and at the end of an 8' driveway area as shown for purposes of employee parking. Also, use of said driveway for entrance to and exit from said parking areas.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner
Jeffrey H. Scherr
(Type or Print Name)

Signature
Kramon & Graham, P.A.
One South Street (410)752-6030
Suite 2600
Baltimore, Maryland 21202
City State Zipcode

Legal Owner(s)
Nancy L. Wilkey
(Type or Print Name)
Signature
Betty J. Ruano
(Type or Print Name)
Signature
5701 Cross Country Blvd. 542-0649
Baltimore, Maryland 21209
City State Zipcode

Name Ian Gallacher - Kramon & Graham
One South Street (410)752-6030
Baltimore, Maryland 21202
City State Zipcode

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date Next Two Months
ALL OTHER
REVIEWED BY: TMK DATE: 8/20/94

December 17, 1991

ZONING DESCRIPTION 6072 FALLS ROAD

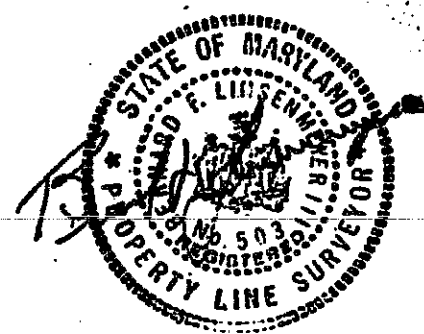
Beginning at a point on the west side of Falls Road (44' paving) at the distance of 50 feet south and opposite to the centerline of Lake Avenue; thence, running the following courses and distances:

1. South 05°00'00" East 35.82 feet;
2. South 87°44'11" West 154.27 feet;
3. North 05°00'00" West 37.00 feet;
4. North 88°10'00" East 154.33 feet to the point of beginning.

Recorded in the Land Records of Baltimore County, Maryland in Deed Liber 8687 folio 391.

Containing 5,618 square feet or 0.129 acres of land, more or less.

Also known as 6072 Falls Road and located in the Third Election District.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 11/14/94
Posted for: Special Hearing
Petitioner: Nancy Wilkey & Betty Ruano
Location of property: 6072 Falls Rd, 4th
Location of Signs: Along road way on property being zoned
Remarks:
Posted by: Timothy M. Kotroco
Number of Signs: 1
Date of return: 8/23/94

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/15, 1994.

THE JEFFERSONIAN
A. H. HARRISON
Editor

NOTICE: The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following proposed change in the Zoning Regulations of Baltimore County, Maryland, at 11:00 a.m. on Wednesday, October 12, 1994, at the County Office Building, 400 Washington Avenue, Towson, Maryland 21204. The proposed change is as follows:

Class Number: 95-83-SPH
6072 Falls Road, 44' S of c/l of Lake Avenue, 3rd Election District, 2nd Councilmanic District
Petitioner(s): Nancy L. Wilkey and Betty J. Ruano
HEARING: WEDNESDAY, OCTOBER 12, 1994 at 11:00 a.m. in Rm. 118, Old Courthouse.
Special Hearing to approve the use of an area at the back of the property and at the end of an 8' driveway area as shown for purposes of employee parking. Also, use of said driveway for entrance to and exit from said parking areas.
If you have any questions concerning this notice or the hearing, please call 887-3391. 9/20/94

receipt
75-83-584

Account: R 01-6150

Date: 9/14/94

Number: 82

Item: 82

0400 - Zoning Hearing - \$250.00

0800 - Sign Posting - \$35.00

Total - \$285.00

Please Make Checks Payable to Baltimore County

Cashier: Val Collins

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

82

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 82

Petitioner: *Nancy L. Wilkey and Betty J. Ruano*

Location: *6072 Falls Road*

PLEASE FORWARD ADVERTISING BILL TO:

NAME: *Jeffrey H. Scherr at Kamus + Graham, P.A.*

ADDRESS: *One South Street, Suite 2600*
Baltimore, MD 21202

PHONE NUMBER: *(410) 752-6630*

Ad:qgs (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 12, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-83-SPH (Item 82)
6072 Falls Road
W/S Falls Road, 50' S of c/l Lake Avenue
3rd Election District - 2nd Councilmanic
Petitioner(s): Nancy L. Wilkey and Betty J. Ruano
HEARING: WEDNESDAY, OCTOBER 5, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the use of an area at the back of the property and at the end of an 8-foot driveway area for purposes of employee parking; also, use of said driveway for entrance to and exit from said parking areas.

Arnold Jablon
Arnold Jablon
Director

cc: Nancy L. Wilkey/Betty J. Ruano
Jeffrey H. Scherr, Esq.

NOTES: (1) ZONING STAFF & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3359.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP 21 1994

RE: Item No. 82, Case No. 95-83-8
Petitioner: Wilkey/Ruano

Dear Mr. Scherr:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 30, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jaw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 82, 83, 84, 85 AND 86.

RECEIVED
SEP 9 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: *Sept 12, 1994*

DATE: *9/15/94*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *Rev 94-436 SP1A*
82
86

LS:sp

LETTY2/DEPRM/TXTSP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *682 (MTK)*

9-12-94

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

RECEIVED
SEP 12 1994
ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 14, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 82.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Charles Kerns*

PK/JL:lw

ZAC.82/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 19, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 19, 1994
Item No. 82

The Developers Engineering Section has reviewed the subject zoning item. This site fronts on Md. State Route 26, Falls Road; therefore, all improvements, entrances, drainage requirements and construction affecting the State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Also, buffering of the adjacent residential property must be assured.

RWB:sm

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 26, 1994

Mr. Jeffrey H. Scherr
One South Street, Suite 2600
Baltimore, Maryland 21202

Item 82

RE: Case No. 95-83XA

Petitioner: Wilkey/Ruano

Dear Petitioners:

Enclosed are copies of comments received from DES September 19, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Joyce Watson
Joyce Watson

Enclosure

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6072 Falls Road, W/S Falls Road, * ZONING COMMISSIONER
50' S of c/l Lake Avenue, 3rd *
Election Dist., 2nd Councilmanic *
Nancy L. Wilkey and Betty J. Ruano * OF BALTIMORE COUNTY
Petitioners * CASE NO. 95-83-SPH
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, Kramon & Graham, P.A., 1 South Street, Suite 2600, Baltimore, MD 21202, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW OFFICES
KRAMON & GRAHAM, P.A.

COMMERCIAL PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
FACSIMILE
(410) 539-1289

WRITER'S DIRECT DIAL

October 5, 1994

Ms. Stella Lowery
Baltimore County Zoning Administration
& Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Wilkey and Ruano
6072 Falls Road

Dear Ms. Lowery:

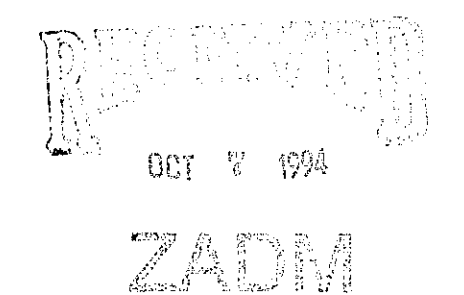
Thank you for speaking with me today. Enclosed please find a copy of the receipt for the filing fee and sign posting fee in the above-referenced matter. I would appreciate it if you would make your check payable to Kramon & Graham, P.A., and forward it to the attention of Jeffrey H. Scherr.

Thank you for your consideration to this matter.

Very truly yours,

Ian Gallacher
Ian Gallacher

IG:ctb
Enclosure



LAW OFFICES
KRAMON & GRAHAM, P.A.
COMMERCIAL PLACE
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MARYLAND 21202-3201
(410) 752-6030
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(410) 539-1289
WRITER'S DIRECT DIAL
(410) 347-7424

BEL AIR OFFICE:
THE EMMERTON PROFESSIONAL BUILDING
207 LAUREL BUSH ROAD
BEL AIR, MARYLAND 21035
(410) 569-0299
FACSIMILE
(410) 569-0298

ANDREW JAY GRAHAM**
JAMES M. KRAMON**
LEE H. OGBURN
JEFFREY H. SCHERR
NANCY E. GREGORY
JAMES P. ULWICK**
PHILIP M. ANDREWS
GERTRUDE C. BATELL
MARILYN HOPE FISHER**
MAX HIGGINS LAUTEN**
KATHLEEN A. BIRNBAUM
KEVIN F. ARTHUR
ARON U. RADZINS
PERRY F. SERUS
GEOFFREY H. GETH**
REGINA M. DUPRESNE**
IAN GALLACHER

**ALSO ADMITTED IN NY
**ALSO ADMITTED IN DC
**ALSO ADMITTED IN VA

October 10, 1994

Mr. Timothy Fitts
Office of Zoning Administration
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Citation 94-231A and 94-231B
6072 Falls Road, Baltimore, Maryland 21209-2217

Dear Mr. Fitts:

I am writing in regard to the above-referenced citations. These citations were the subject of a hearing before the Deputy Zoning Commissioner of Baltimore County on October 5, 1994, Timothy M. Kotroco, Esquire. During the course of this hearing, it was established that Owner/employees may park in the back of the above-referenced property and may utilize the driveway and parking areas for deliveries. The back area will not be utilized for customer parking. To answer the concerns of neighbors, the parking area will be chained off from the public alley so that the back alley in combination with the driveway does not become a thoroughfare. This use does not violate the April 13, 1992 Order of the Baltimore County Zoning Commissioner.

The Deputy Zoning Commissioner will file a written order shortly. In the meantime, however, I would ask that you immediately withdraw the above-referenced citations and drop all proceedings against Nancy L. Wilkey or Betty J. Ruano. Please confirm, as soon as possible, per my previous discussions with Mr. Jablon, that the hearing on the citations will be cancelled.

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
400 Washington Avenue
Towson, MD 21204

Case Number: 95-83-SPH (Item 82)
Sun Porch Antiques
6072 Falls Road
Petitioner(s): Nancy L. Wilkey
and Betty J. Ruano

Hearing: October 5, 1994

Dear Mr. Schmidt:

The following residents are opposed to the zoning variance in our neighborhood in reference to the above listed case.

In addition to our concerns of the additional commercial traffic on our residential street we are very worried about the traffic flow in an area where children play and ride bikes in the alley way which leads up to the proposed eight foot driveway and parking area.

Thank you for your consideration in this matter.

| NAME | ADDRESS |
|--------------------|--------------------|
| Paul Butler | 1000 Fairfield Ave |
| Don Furlong | 1207 Fairfield Ave |
| Michael J. J. J. | 1204 Fairfield Ave |
| Thomas Minter | 1200 Fairfield Ave |
| Joseph J. J. J. | 1201 Fairfield Ave |
| David J. J. J. | 1203 Fairfield Ave |
| Mary M. J. J. | 1205 Fairfield Ave |
| Michael J. J. J. | 1207 Fairfield Ave |
| Christina J. J. J. | 1209 Fairfield Ave |

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|-------------------|-----------------------------------|
| Beth J. Ruano | 10 Lake Mead Ct, Balt 21210 |
| Nancy L. Wilkey | 5701 Koss County, Baltimore 21209 |
| Jeffrey H. Scherr | 2600 Commercial Ave 21202 |

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

| NAME | ADDRESS |
|---------------------|--------------------|
| Victoria Shale Wilt | 1205 Fairfield Ave |
| Shirley Paul Butler | 1206 Fairfield Ave |

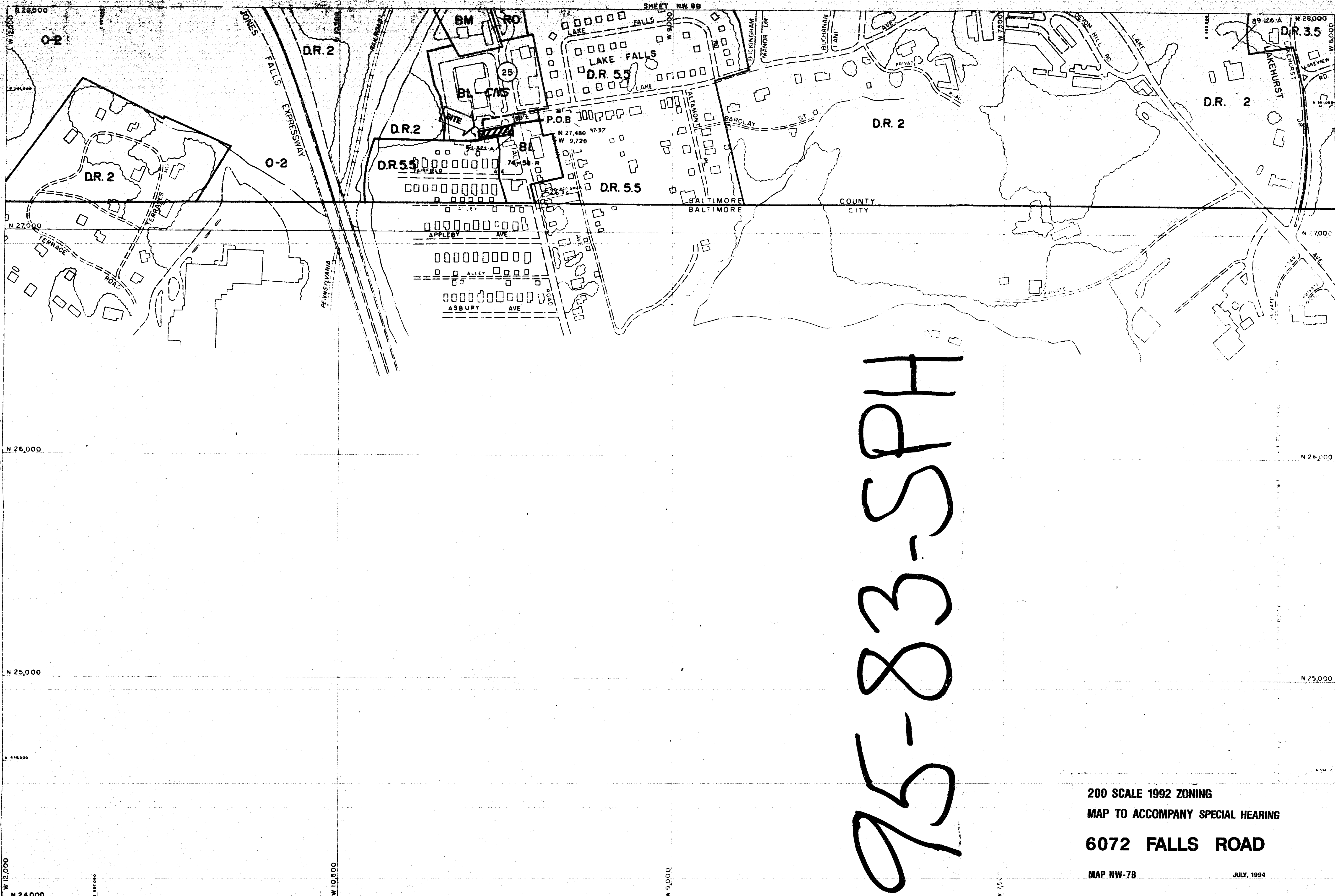
95-83-SPH
Ruano

Ann Shale
1206 Fairfield Ave
21209

pend a copy

photographed
in case
95-83-SPH





95-83-SPH

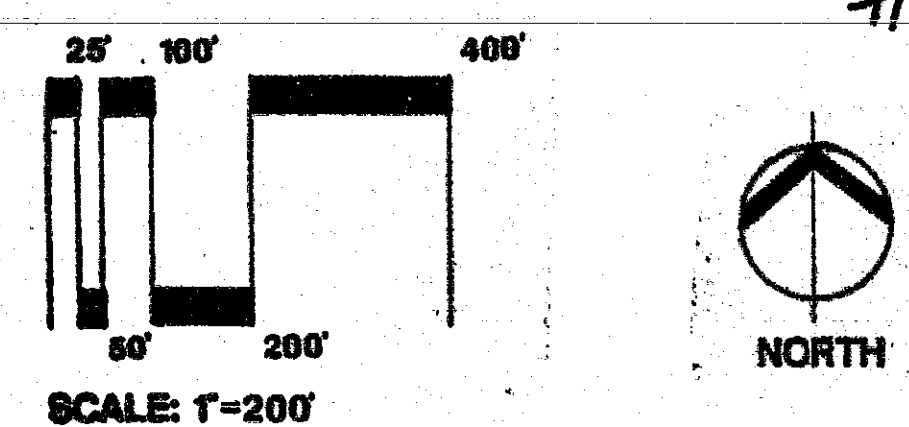
200 SCALE 1992 ZONING
 MAP TO ACCOMPANY SPECIAL HEARING
 6072 FALLS ROAD
 MAP NW-7B JULY, 1994

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 BM Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92
 Chairman, County Council

D.S. THALER & ASSOC., INC.
 CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
 7116 AMBASSADOR ROAD, BALTIMORE, MD 21244
 (410) 944-ENGR, (410) 944-3647



#82